REMARKS

This responds to the first office action. Claims 1-20 were pending in the application. Claims 10-16 and 20 were withdrawn from further consideration and have now been canceled. Claims 1-9 and 17-19 have been amended.

Priority Document

A certified copy of the priority document **Italy BO99A000253 filed 5/13/1999** is enclosed. It is noted, however, the this document should already be in the files of the USPTO via the PCT procedure.

Allowable Subject Matter

The applicants acknowledge the Examiner's helpful indication of allowable subject matter in claims 7-9 and 17-19.

Proposed Drawing Amendments

Entry of the proposed drawing amendments is respectfully requested. The amendments are intended to add the reference lines of Fig. 3b into Figs. 3a and 3c to facilitate comparison of the figures.

Claim Rejections - § 112

Claims 3, 5, 7-10, and 17-19 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In order to overcome the rejections under 35 U.S.C. § 112, all claims have been amended in an effort to define the claimed subject matter more clearly and to correct errors resulting from the translation into English.

With regard to claims 5, 7, 9, 10 and 18 the term "anticlastic", has not been deleted or substituted with another term because the explanation of that term given at line 26 of page

12 (WO 00/69373) is virtually identical to the only explanation of that word given in the third edition of the shorter Oxford Dictionary reprinted in 1969. Moreover, such term is very important because discloses very well a particular kind of shape hardly explicable by using other words. Indeed, "anticlastic" is referred to something which presents a double curvature, e.g. a sheet whose edges are compressed each other and the center is stretched so that the surface develops two curves at right angles to each other presenting opposing concavities by assuming a saddle-shape. The applicants have attached to this document further supporting materials for the above definition of the term "anticlastic," and it is respectfully submitted that the term is fully definite as used in the amended claims.

Claim Rejections - § 102

Claims 1, 2, and 4-6 stand rejected under 35 U.S.C. 102(e) as being anticipated by Goodfellow et al (US 5,871,542).

In order to overcome the rejections under 35 U.S.C. 102(e) claim 1 has been amended accordingly. In particular, claim 1 has been amended to only refer to an ankle joint device comprising a first component (2) having a first articular bearing surface (5), engaged on the tibial bone (11), a second component (3) having a second articular bearing surface (6) opposite to the first bearing surface (5) of the first component (2) engaged on the tarsal bone (20) and a third component (4) interposed to the first (2) and the second component (3), having two articular third and fourth bearing surfaces (7, 8) whose individual forms are substantially complementary to said first and second articular surfaces (5, 6) of the first (2) and of the second (3) components. Moreover, the bearing surfaces (7, 8) are freely slidable, both in a sagittal plane and a frontal plane transversal to the sagittal plane, and they are individually non-captively engaged.

Goodfellow et al (US 5,871,542) only refers to a

endoprosthetic knee joint device comprising a first component (30) engaged to the femoral, a second component (10) device engaged to the upper end of the tibial bone and a third component constituting (23) the meniscal component.

Even if the ankle joint device claimed in claim 1 and the knee joint device disclosed by Goodfellow et al comprise similar features, they also comprise several essential and implicit features different one with respect to the other. In particular, it is known that, being the ankle human joint very different with respect to the knee human joint, also the prosthesis referred to such joints have to be different in the shape, in the size, in the material, also in the mechanical stresses, as well as, in the functional features. Therefore, it is incorrect to compare an ankle human joint with any kind of human joint because they will be always different. Indeed the endoprosthetic knee joint device disclosed by Goodfellow et al could never reconstitute an ankle human joint without a substantial change.

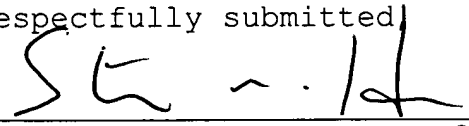
By contrast the document FR 2,730,157 refers to an ankle joint device (1) comprising a first component (20) engaged to the tibial bone (2), a second component (31) engaged to tarsal bone (4) and a third component (10) interposed to the first (2) and the second component (3). Such components (10, 20, 30) define bearing surfaces (11, 12, 23, 34) freely slidable only in a sagittal plane. Such a device does not provide bearing surfaces which can also slide in a frontal plane transversal to the sagittal plane. In particular, the structure of the ankle joint, disclosed in FR 2,730,157, presents elements, like the rail element (51) and the respective seat (52) of the guiding means (50) or the "V" portion of the second and the third component (30, 10) *which stop and inhibit any movement transversal to the sagittal plane.*

For the above reasons amended claim 1 should be patentable over the art of record. Claims 2 to 8 and 17 to 19 are also new as depending on amended claim 1.

Conclusion

The applicants respectfully request entry of this amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims. The undersigned is available by telephone at the Examiner's convenience.

Respectfully submitted,



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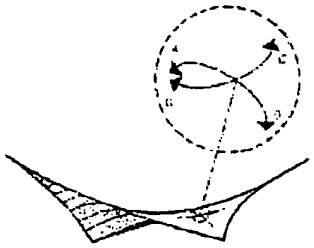
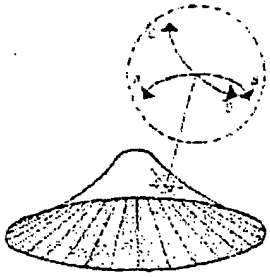
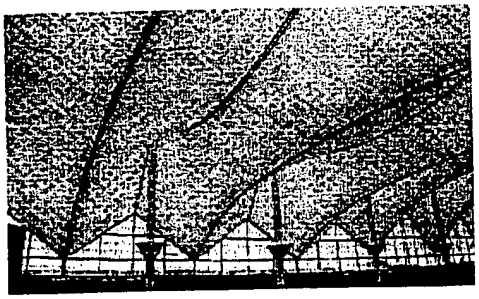
Anticlastic Shapes



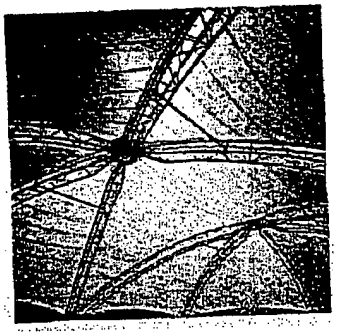
Hyperbolic Paraboloid



Double Ring Cone



Valley and Ridge



Arch Support

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Annotated Marked-Up Sheet

FIG.1

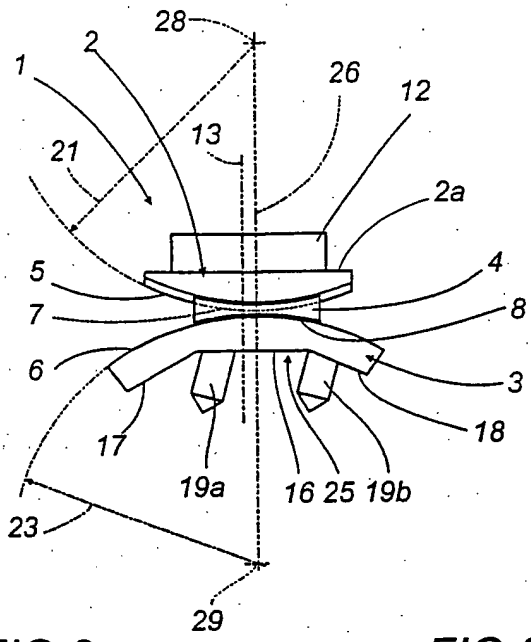

FIG.2

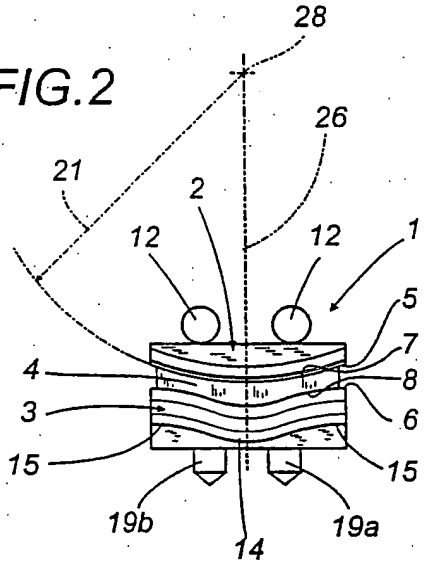

FIG.3a

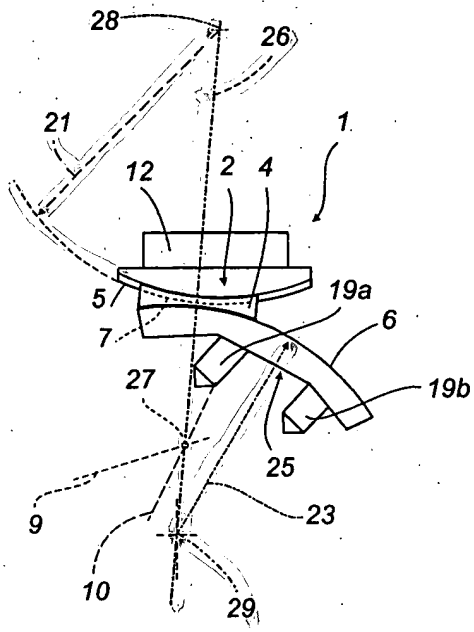

FIG.3b

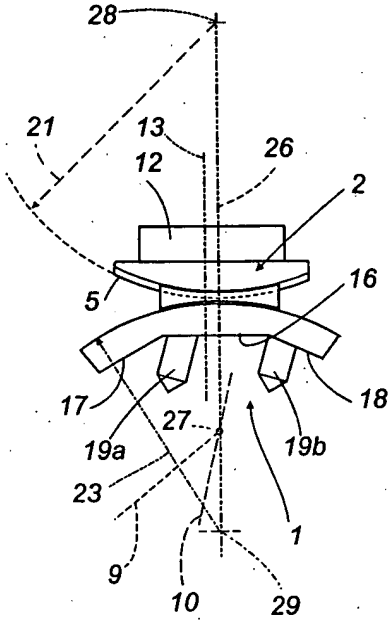

FIG.3c